

FEBRUARY 16, 2016

**CITY OF GUNNISON COUNCIL
SPECIAL SESSION MEETING MINUTES**

7:00 P.M.

The City Council Special Session meeting was called to order at 6:59 P.M., by Mayor Pro Tem Drexel, with Councilors Ferguson, Morrison and Schwartz present along with Interim City Manager Achen, City Clerk Davidson, Finance Director Cowan, Acting City Manager Westbay, Deputy City Clerk Kindall, Court Clerk McLeod, WSCU Liaison Alejandre, several citizens and the press. City Attorney Fogo and Mayor Hagan were absent. A Council quorum was present.

FEBRUARY 16, 2016

PUBLIC HEARING

7:00 P.M.

Receive Public Input on Hotel & Restaurant Liquor License Application from Yard Bird KLC LLC dba Yard Bird, 107 S. 12th Street, Gunnison, CO.

Mayor Pro Tem Drexel opened the public hearing at 6:59 P.M. and stated the reason for the public hearing is to receive input on the Hotel & Restaurant Liquor License Application from Yard Bird KLC LLC dba Yard Bird, 107 S. 12th Street, in Gunnison, and present at the hearing are himself Mayor Pro Tem Bob Drexel, City Councilors Stu Ferguson, Leia Morrison and Matt Schwartz, Interim City Manager Mark Achen, City Clerk Gail Davidson, Deputy City Clerk Tara Kindall, Court Clerk Melissa McLeod, various other staff members and the applicants.

Mayor Pro Tem Drexel asked the applicants to stand and introduce themselves. Cara Radca and Lauren Wentworth introduced themselves.

Mayor Drexel then asked for the Duties of the Board and the procedural aspects of the Hearing. Court Clerk McLeod stated Article 47, Title 12, of the Colorado Revised Statutes (CRS) sets the general rules and regulations for the proper manufacture, distribution and sale of alcoholic beverages. It states the state licensing authority and the local licensing authority, in this case the Gunnison City Council, have dual responsibility for regulating the sale of alcoholic beverages and issuing licenses to do so. If the State doesn't approve a license, the City cannot grant a license and the State will not issue a license without the City's approval. Article 47, Title 12 sets the application requirements and process for each type of liquor license.

The applicant is applying for a Hotel & Restaurant Liquor License for the premises located at 107 S. 12th Street in Gunnison. This type of license allows for the sale and service of malt, vinous and spirituous liquor by the drink for on-premises consumption.

The applicant has filed the proper application with the required documentation, has paid the required fees, the required Public Hearing was noticed in the Gunnison Country Times, and the premises was posted for the Hearing. The principals in the LLC are Cara Radca and Lauren Wentworth.

Part 3 of C.R.S. 47-12 allows for concurrent state and local review of the license application. The applicant has paid the fees for a concurrent review and the State is conducting their review at this time. The City Attorney, City Clerk, Building Official, Fire Marshal and Police Chief have reviewed the application and the premises. Copies of their memos are included in Council packets and are included in the official record of the public hearing.

A liquor license is a property right and as such, the application hearing is a quasi-judicial proceeding where any party in interest can present evidence regarding the issuance of the liquor license. The duty of the Local Licensing Authority is to determine if the applicant is of good moral character, that the issuance of the license meets the reasonable requirements of the neighborhood, and the needs and wants of the neighborhood will be met by the issuance of the license. The neighborhood is defined as the area within the City Limits of the City of Gunnison.

Mayor Pro Tem Drexel called for proof of publication and proof of posting for the record. Deputy City Clerk Kindall stated copies of the proof of publication and proof of posting are included in Council's packets and are included in the official file of the Public Hearing. Mayor Pro Tem Drexel entered the application into the record. Deputy City Clerk Kindall then reviewed the Preliminary Investigation Report. She stated an investigation has been made and based on the results thereof the following has been determined: (1) There has not been a denial of an application at the same location by either the State or the Liquor Licensing Authority of the City of Gunnison within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing outlets. (2) It does appear from the evidence submitted by the applicant that they are entitled to possession of the premises where

the license is proposed to be exercised. (3) Selling Malt, Vinous and Spirituous Liquor by the drink for on-premises consumption in the manner proposed in the license application, is not in violation of the zoning, fire and other applicable codes of the City of Gunnison or the laws of the State of Colorado. (4) The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption does not appear to be within 500 feet of any public or a parochial school or the principal campus of any college, university or seminary. (5) Within the City Limits where the applicant proposes to sell liquor, there are the following existing other outlets:

- 4 - Beer and Wine Type Licenses
- 12 - Hotel/Restaurant Type Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 1 - Brew Pub Licenses
- 7- Tavern Licenses
- 1 - Club Licenses
- 6 - 3.2% Beer Type Licenses

37 - Total Number of Active Liquor Licenses in City of Gunnison

(6) According to information of the Police Department of the City of Gunnison, the following Records have been found with regard to the following applicant: Yard Bird KLC, LLC; principals Cara Radca and Lauren Wentworth, a local background check has been conducted and a memo from Gunnison Police Chief Keith Robinson states he has no objections to the issuance of a license. The fingerprint cards for the two principals of the LLC have been mailed to the CBI for a background check, and the City is awaiting results.

Mayor Pro Tem Drexel reiterated that the Determination of the Neighborhood is the Incorporated City Limits of Gunnison, Colorado.

Mayor Pro Tem Drexel called for the applicant's testimony. Ms. Cara Radca and Ms. Lauren Wentworth addressed Council. Ms. Wentworth handed out a petition with 75 signatures of local citizens wanting the license to be approved. They are excited to have another choice for people to go. There's not a whole lot of variety in Gunnison. They will be serving good Georgia southern cooking. They want to be a part of the community and have a good fun place for people. They hope to have some fun events. City Clerk Davidson passed the petitions on to Council.

Mayor Pro Tem Drexel called for testimony in favor of the application. There was no further testimony. Mayor Pro Tem Drexel called for any testimony in opposition of the application. There was none.

Mayor Pro Tem Drexel asked for any further comments and hearing none, closed the Public Hearing at 7:12 P.M.

Council returned to the Special Session Meeting at 7:12 P.M.

Action on Hotel & Restaurant Liquor License Application from Yard Bird KLC, LLC dba Yard Bird, 107 S. 12th Street, in Gunnison, CO 81230

Councilor Ferguson informed Council he has performed some minor computer business with the applicants but he doesn't think it is enough to recuse himself from this action. Council concurred.

Councilor Schwartz moved and Councilor Morrison seconded the motion that the Hotel & Restaurant Liquor License for Yard Bird KLC, LLC dba Yard Bird, 107 South 12th Street, Gunnison, Colorado, 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, be either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.
2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling malt, vinous and spirituous liquor by the drink for the on-premises consumption in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
 4. The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.
 5. Within the city limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:
 - 6 – 3.2% Beer Type Licenses
 - 1 – Arts License
 - 4 – Beer & Wine Licenses
 - 1 – Brew Pub License
 - 1 – Club License
 - 12 – Hotel & Restaurant Licenses
 - 5 – Retail Liquor Store Licenses
 - 7 – Tavern Licenses
 6. All fees necessary for the application have been paid.
 7. According to the information obtained through testimony by the applicants before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.
- Roll call vote, yes: Ferguson, Drexel, Morrison, Schwartz. So carried.
- Roll call vote, no: None.

Discussion and Possible Action on Selection of City Manager Recruiting Firm.

Each Councilor reported on their findings from calling the references on their assigned recruiting firm. Councilor Ferguson reported on Slavin, Mayor Hagan, through a written report by Interim City Manager Achen, reported on Austin Peters, Mayor Pro Tem Drexel reported on Waters & Company, Councilor Morrison reported on Strategic Government Resources and Councilor Schwartz reported on Prothman and Company. After a detailed discussion, Council selected two firms to further interview during a work session meeting for the recruiting services. Those firms are: Strategic Government Resources and Prothman Company. Council indicated next Monday morning or Tuesday afternoon may be possible for a further work session meeting to interview the firms. Manager Achen will contact the firms to set up interview times and will get back with Council on the schedule. No further Council action was taken.

Adjournment: Mayor Pro Tem Drexel called for any further discussion on the Special Session agenda items, and hearing none, adjourned the Special Session meeting at 8:02 P.M.

Mayor

City Clerk